

FILED

July 13 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 10-0331

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORDER

THE OFFICE OF THE STATE PUBLIC DEFENDER,)

Petitioner,)

v.)

HON. JIM BAILEY, Ravalli County Justice of the)
Peace,)

Respondent.)

The Office of the State Public Defender (OPD) has filed herein a petition for writ of mandamus. OPD asks us to compel the Honorable Jim Bailey, Ravalli County Justice of the Peace, to comply with § 47-1-111(1)(d), MCA, by either holding a rescission hearing or otherwise reviewing, in some fashion, OPD's rescission decisions as to criminal defendants OPD determines are ineligible for that office's services. In consideration thereof,

IT IS HEREBY ORDERED, pursuant to Rule 14(7), M. R. App. P., that the Respondent is granted twenty days in which to respond to the petition for writ of mandamus.

The Clerk is directed to provide copies of this Order to OPD and to the Honorable Jim Bailey.

DATED this 13th day of July, 2010.

Chief Justice

Jim Rice
W. William S. Souter
Patricia Cotter
Paul S.
Justices